



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,959	10/24/2003	Ronald L. Mahany	14407US02	1865
23446 7590 04/02/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 04/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,959

Applicant(s)

MAHANY ET AL.

Examiner

PHUONGCHAU BA NGUYEN

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-30-8 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12-18, 20-43 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12-18, 20-43 and 45-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 10, 12–18, 20–43, 45–49, 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Nysen (5,252,979).

1-9. (cancelled)

Regarding claim 10, 18, 38-39,

Nysen (5,252,979) discloses a transceiver/integrated circuit (2nd transmitter/receiver in the communicator of fig.5) for use in a wireless network device (communicator, figs.4-5) that operates in a communication system that includes a main communication network (with controller) and a radio network (with other communicators, fig.4), the transceiver comprising:

at least one radio unit (2nd transmitter/receiver) configured to communicate with the main communication network (with controller) and the radio network (with other communicators), see col.6, lines 35-56;

wherein the transceiver/integrated circuit (2nd transmitter/receiver) is operable to enable the wireless/mobile network device (communicator, figs.4-5) to participate as a master device (i.e., first communicator on the left communicating with other communicators in fig.4 is a master-emphasis added)

on the radio network (ADHOC network between communicators), operable to control communications on the radio network.

11. (cancelled)

Regarding claims 12, 20, 40, Nysen further discloses the communicator (figs.4-5, 17) having a processor (controller 210-fig.17) operable to control the communications of the at least one radio unit (col.8, lines 30-52, see also fig.18) with the radio network (to another communicator in ADHOC network via passive mode, col.8, lines 6-17, 50-52) and capable of communicating with the main communication network (to the controller via active mode, figs.4-5, col.8, lines 18-22, 47-49).

Regarding claims 13, 21, 41, Nysen further discloses wherein the wireless/mobile/integrated network device (2nd transmitter/receiver, figs.4-5) is operable to participate as a slave on the main communication network (with the controller, figs. 4-5).

Regarding claims 14, 22, 42, Nysen further discloses wherein the main communication network (between controller and communicator, figs.1, 4) comprises a wired communication network (PABX 14-fig.1).

Regarding claims 15, 23, 43, Nysen further discloses wherein the main communication network comprises a wireless communication network (wireless communication between controller and communicator, figs.1&4).

Regarding claims 29, 35, 48, Nysen further discloses wherein the transceiver (2nd transmitter/receiver, fig.5) enables the wireless/mobile/integrated network device (i.e., first left communicator, fig.4) to manage communications of a second wireless network device (other communicator, fig.4), that participates on the radio network (ADHOC network, col.6, lines 35-56), with the wireless communication network (with the controller).

Regarding claims 30, 36, 49, Nysen further discloses wherein the transceiver

(2nd transmitter/receiver, fig.5) enables the wireless network device (communicator, figs. 4-5) to facilitate communications of a second wireless network device (other communicator, fig.4), that participates on the radio network (ADHOC network), with the wireless communication network (with the controller).

Regarding claims 16, 24, 44, Nysen further discloses wherein the transceiver (2nd transmitter/receiver, fig.5) comprises an integrated circuit (fig.5).

Regarding claims 17, 25, 45, Nysen further discloses wherein the wireless/mobile/integrated network device (communicator, figs. 4-5) is sized to be held by a user (col.4, lines 18-20, 49-68).

Regarding claims 26, 32, Nysen further discloses wherein the transceiver (2nd transmitter/receiver, fig.5) enables the wireless network device (communicator, figs.4-5) to manage communications of a second wireless network device

(other communicator, fig.4) participating on the radio network (ADHOC network, col.6, lines 35-56).

Regarding claims 27, 33, 46,

Nysen discloses a transceiver (2nd transmitter/receiver) for use in a wireless/mobile network device (communicator, figs.4-5) that operates in a communication system that includes a radio network (ADHOC network, col.6, lines 35-56), the transceiver comprising:

a radio unit (antenna A1-A2, figs.10-11) configured to communicate with the radio network (ADHOC network);

wherein the transceiver (2nd transmitter/receiver) is operable to enable enables the wireless/mobile network device (communicator, figs.4-5) to participate as a master device (i.e., the first left communicator in fig.4 is a master-emphasis added) on the radio network (ADHOC network), operable to synchronize (by transmitting/receiving between communicators, the transmitters/receivers synchronized) communications of a second

wireless/mobile network device (other communicators, fig.4) participating on the radio network (ADHOC network, fig.4).

Regarding claims 28, 34, 47,

Nysen discloses a transceiver (2nd transmitter/receiver) for use in a wireless/mobile network device (communicator, fig.5) that operates in a communication system that includes a radio network (ADHOC network, col.6, lines 35–56), the transceiver comprising:

a radio unit (antenna A1–A2, figs. 10–11) configured to communicate with the radio network (ADHOC network);

wherein the transceiver (2nd transmitter/receiver) is operable to enable enables the wireless network device (communicator, figs.4–5) to participate as a master device (i.e., the first left communicator in fig.4 is a master—emphasis added) on the radio network (ADHOC network), operable to manage communications of a second wireless network device (with other communicators in fig.4) participating on the radio network (ADHOC network)

with a third wireless network device (with other communicators, fig.4)
participating on the radio network (ADHOC network).

Regarding claims 31, 37, 51,

Nysen discloses a transceiver (2nd transmitter/receiver) for use in a wireless/mobile network device (communicator, figs.4-5) that operates in a communication system that includes a radio network (ADHOC network, col.6, lines 35-56), the transceiver comprising:

a radio unit (antenna A1-A2, figs. 10-11) is configured to communicate with the radio network (ADHOC network) using spread spectrum signals (col.6, lines 1-2);

wherein the transceiver (2nd transmitter/receiver) is operable to enable the wireless/mobile network device (communicator-figs.4-5) to participate as a master device (i.e., first left communicator in fig.4 is a master-emphasis added) on the radio network (ADHOC), operable to control communications (with other communicators) on the radio network (ADHOC network).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nysen in view of Decker (5,375,051).

Regarding claim 50, Nysen does not explicitly disclose wherein the integrated circuit comprises is part of a PCMCIA card.

However, in the same field of endeavor, Decker (5,375,051) discloses radio transceiver connected to a laptop PC via a PCMCIA modem, see fig.1. Therefore, it would have been obvious to an artisan at the time of the invention was made to apply Decker's teaching of PCMCIA modem to Nysen's system to extract energy of media access device to turn on the device with the motivation being to conserve the battery power of the mobile device.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONGCHAU BA NGUYEN whose telephone number is (571)272-3148. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUONGCHAU BA NGUYEN/
Patent Examiner, Art Unit 2416

/Ricky Ngo/
Supervisory Patent Examiner,
Art Unit 2416